IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6592 OF 2007

Shri Anant (Anand) Govind Amberkar] .. Petitioner

Versus

1. The State of Maharashtra & Anr.] .. Respondents

Mr. R.P. Sabban for the petitioner.

Mr. A.H. Palekar, AGP, for the respondents.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 11TH SEPTEMBER, 2007

P.C. :

. By this Writ Petition, the petitioner seeks a mandamus that he should be granted compassionate appointment. By the order dated 19th June, 2007, the compassionate appointment was rejected on the ground that the petitioner's father had resigned the Government employment and, therefore, the petitioner was not entitled to the compassionate appointment.

2. The learned counsel for the petitioner submitted that the resignation of the petitioner's father was held to be illegal by the Division Bench of this Court by its order dated 15th July, 2004, passed in

Writ Petition No.5494 of 2004 and, therefore, the petitioner's father continued in service, but he retired on attaining the age of superannuation. If that is so, the petitioner cannot claim compassionate appointment as his father has retired from service on superannuation. This is not a case of penury arising out of untimely death or untimely termination of service. In the circumstances, there is no merit in the Writ Petition and it is rejected.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]